

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 STATE OF NEVADA,

4 Plaintiff

5 v.

6 JAMES JOHN JORISSEN,

7 Defendant

Case No.: 2:23-cv-00420-APG-DJA

Order Remanding Case

8 Defendant James John Jorissen removed this action from North Las Vegas Municipal
9 Court based on federal question jurisdiction. ECF No. 1-1. Under 28 U.S.C. § 1331, federal
10 district courts have jurisdiction over “all civil actions arising under the Constitution, laws, or
11 treaties of the United States.” Jorissen asserts federal question jurisdiction exists because he is
12 asserting a federal constitutional right to travel. However, Jorissen’s federal defense or
13 counterclaim cannot create federal question jurisdiction for removal. *See Holmes Grp., Inc. v.*
14 *Vornado Air Circulation Sys., Inc.*, 535 U.S. 826, 831 (2002) (stating that a counterclaim cannot
15 serve as the basis for federal question jurisdiction); *Hall v. N. Am. Van Lines, Inc.*, 476 F.3d 683,
16 687 (9th Cir. 2007) (stating that “the existence of a defense based upon federal law is insufficient
17 to support jurisdiction” (quotation omitted)).

18 I THEREFORE ORDER that the case is remanded to the North Las Vegas Municipal
19 Court from which it was removed for all further proceedings. The clerk of court is instructed to
20 close this case.

21 DATED this 21st day of March, 2023.

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23 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE